



WEB COPY



Crl.O.P.No.28859 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

CORAM

THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.28859 of 2022

S.Sudalai Muthu

...

Petitioner

Vs

1.C.Sureshkumar

2.The State rep.by
Inspector of Police,
Nazreth Police Station,
Tuticorin District.
C.C.No.171 of 2016.

...

Respondents

PRAYER: Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code to consider the recall Non-Bailable Warrant issued on 06.07.2022 in C.C.No.171 of 2016 before the Fast Track Court- I (Magistrate Level) Coimbatore.

For Petitioner : Ms.S.Agalya

For Respondent : Mr.S.Santhosh
No.2 Govt.Advocate (Crl.side)



Crl.O.P.No.28859 of 2022

ORDER

WEB COPY

This Criminal Original petition has been filed to direct the Fast Track Court- I (Magistrate Level) Coimbatore to recall the non-bailable warrant issued against the petitioner in C.C.No.171 of 2016 on the date of surrender before the trial court.

2. The petitioner is facing trial in C.C.No.171 of 2016 on the file of the Fast Track Court- I (Magistrate Level) Coimbatore, for offence punishable under Section 138 of Negotiable Instrument Act and due to his non appearance, the trial Court issued Non-bailable warrant as against the petitioner on 06.07.2022.

3. The learned counsel appearing for the petitioner would submit that due to his illness, the petitioner was unable to appear before the learned Fast Track Court 1 (Magistrate Level), Coimbatore in respect of the case in C.C.No.171 of 2016. Hence, non bailable warrant has been issued against the petitioner on 06.07.2022. He would further submit that the said absence is neither willful nor wanton and he undertakes that the petitioner shall appear before the Court below regularly on all future



Crl.O.P.No.28859 of 2022

hearing dates without fail.

WEB COPY

4.Considering the undertaking given by the learned counsel for the petitioner, the petitioner is directed to appear before the learned the Fast Track Court- I (Magistrate Level) Coimbatore on the next hearing and to file a petition under Section 70(2) of Cr.P.C., to recall NBW already issued against him. On filing of such petition, the concerned learned Magistrate is directed to consider the same on its own merits and in accordance with law and pass orders on the same day.

5.It is made clear that while considering the petition to recall NBW, the Court below shall bear in mind about the period of Non Bailable Warrant and any crime committed while pending Non Bailable Warrant. Mere direction issued by this Court to consider the application on the same day, does not amount to direction to consider the recall petition favorably.

G.K.ILANTHIRAIYAN, J.



WEB COPY



Crl.O.P.No.28859 of 2022

sms/mrp

6.With the above direction, this Criminal Original Petition is disposed of.

28.11.2022

Index: Yes/No
Internet: Yes/No
sms/mrp

To

1.The Inspector of Police,
Nazreth Police Station,
Tuticorin District.
C.C.No.171 of 2016.

2.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.28859 of 2022